

1 BEFORE THE
2 POLLUTION CONTROL HEARINGS BOARD
 STATE OF WASHINGTON

3 IN THE MATTER OF)
4 FARWEST PLYWOOD COMPANY,)
)
5 Appellant,)
)
6 vs.)
)
7 PUGET SOUND AIR POLLUTION)
8 CONTROL AGENCY,)
)
 Respondent.)
)

PCHB No. 248

FINDINGS OF FACT,
CONCLUSIONS AND ORDER

9
10 A formal hearing on the appeal of Farwest Plywood Company to a
11 Notice of Civil Penalty of \$50 for an alleged smoke emission violation
12 came on before the Board, all members present, with Walt Woodward
13 presiding, on April 30, 1973, in Tacoma, Washington.

14 Appellant appeared by and through its president, Richard O'Day;
15 respondent appeared by and through its attorney, Keith D. McGoffin.

16 On the basis of testimony heard and exhibits examined, the
17 Pollution Control Hearings Board prepared Proposed Findings of Fact,
18 Conclusions and Order which were submitted to the appellant and

1 respondent on May 11, 1973. No objections or exceptions to the Proposed
2 Findings, Conclusions and Order having been received, the Pollution
3 Control Hearings Board makes and enters the following:

4 FINDINGS OF FACT

5 I.

6 Appellant is engaged in the manufacture of plywood in its plant
7 situated on the tideflats of Tacoma, Washington. Having difficulty
8 in controlling visual emissions and odor from its plant, appellant and
9 respondent in January, 1971, embarked upon compliance schedule
10 procedure and appellant procured the assistance of and purchased
11 pollution control equipment from a manufacturer recommended to it by
12 respondent. Such equipment proved to be either defective or improperly
13 installed, or a combination of both, as evidenced by the fact that
14 12 or 13 separate Notices of Violation were served upon appellant.
15 However, no civil penalties were levied.

16 II.

17 On November 2, 1972, appellant caused or allowed gray-blue smoke
18 to be emitted from its Tacoma plant for six consecutive minutes of a
19 shade darker than No. 2 on the Ringelmann Chart, namely, a Ringelmann
20 3-1/2, notwithstanding that appellant had installed a larger fan on
21 the recommendation of its expert and had at all times acted in reliance
22 upon its advice and representations. Such November 2 smoke episode was
23 caused by defective incinerator equipment and appellant was
24 intentionally allowing the smoke to escape into the outside air.

25 III.

26 Section 9.03(a) of respondent's Regulation I makes it unlawful to
27 FINDINGS OF FACT,
CONCLUSIONS AND ORDER

1 cause or allow the emission of an air contaminant darker in shade than
2 No. 2 on the Ringelmann Chart for more than three minutes in any hour.

3 IV.

4 Appellant, subsequent to November 2, 1972, took steps to and did
5 eliminate further smoke emissions.

6 From these Findings, the Pollution Control Hearings Board makes these

7 CONCLUSIONS

8 I.

9 Appellant was in violation of Section 9.03(a) of respondent's
10 Regulation I.

11 II.

12 In view of the many violations by appellant, the penalty is
13 justified and reasonable.

14 ORDER

15 The appeal is denied and Notice of Civil Penalty No. 640 is
16 affirmed.

17 DONE at Lacey, Washington this 14th day of June, 1973.

18 POLLUTION CONTROL HEARINGS BOARD

19 Walt Woodward
20 WALT WOODWARD, Chairman

21 W. A. Gissberg
22 W. A. GISSBERG, Member

23 James T. Sheehy
24 JAMES T. SHEEHY, Member

25
26 FINDINGS OF FACT,
27 CONCLUSIONS AND ORDER